

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BAPA BROOKLYN 2004, LLC,  
  
*Plaintiff,*  
  
v.  
  
GUILD MORTGAGE COMPANY,  
  
*Defendant.*

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Civil Action No. 3:20-CV-00254-X-BN  
  
Referred to U.S. Magistrate Judge

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND**  
**RECOMMENDATION OF THE UNITED STATES**  
**MAGISTRATE JUDGE**


The Court reviewed *de novo* all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge [Doc. No. 22], in accordance with 28 U.S.C. § 636(b)(1). The Court concludes that the U.S. Magistrate Judge’s Findings and Conclusions are correct. The Court adopts them as its Findings and Conclusions.

The U.S. Magistrate Judge found and concluded that BAPA’s complaint fails to state a breach-of-contract claim. Although the Court did not take judicial notice of the deed of trust attached to defendant Guild Mortgage Company’s (Guild) motion to dismiss, the Court determined that plaintiff BAPA Brooklyn 2004, LLC (BAPA) failed to “identify any loan documents that would give it standing to sue Guild for breach of contract, much less any specific provisions of loan documents that Guild breached based on BAPA’s alleged failure to receive notice of default and opportunity to cure

or an accounting.”<sup>1</sup> The Court agrees with the U.S. Magistrate Judge’s Findings and Conclusions. And the parties did not object to the U.S. Magistrate Judge’s Findings, Conclusions, and Recommendation.

Therefore, the Court **ADOPTS** the U.S. Magistrate Judge’s Findings, Conclusions, and Recommendation. The Court **GRANTS** Guild’s motion to dismiss. The Court also **GRANTS LEAVE** to BAPA to file an amended complaint—in accordance with the guidance of the U.S. Magistrate Judge’s Findings and Conclusions and this Order—within 21 days of the date of this Order. The amended complaint is not allowed to add new parties or claims. Guild must respond within 14 days after service of BAPA’s amended complaint.<sup>2</sup>

**IT IS SO ORDERED** this 28th day of July 2020.

  
BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Amended Findings, Conclusions, and Recommendation of The United States Magistrate Judge, at 8 [Doc. No. 22].

<sup>2</sup> See FED. R. CIV. P. 15(a)(3) (“Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.”).